

# WE&T NEWS WATCH

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## POTWs "Test Drive" Pretreatment Innovations

**F**ive projects designed to test and evaluate alternative, performance-based pretreatment programs at publicly owned treatment works (POTWs) are "ready to go" as soon as final regulatory approvals and permit modification are completed, a U.S. Environmental Protection Agency (EPA) spokesman said in February. The pilot projects are being developed under the agency's Project XL program, which offers participants the regulatory flexibility to test innovative approaches to compliance in return for a high probability of superior environmental results. (Project XL includes 50 projects focused on various compliance arenas, including hazardous waste management, air pollution control, and wastewater treatment.) The five pretreatment pilots were developed as a result of a special solicitation EPA issued to all POTWs on June 23, 1988 (63 FR 34170).

About a dozen POTWs responded to the solicitation, according to Chad Carbone, Project XL coordinator in the agency's Office of Policy, Economics, and Innovation. "As we went through those proposals, we realized that about half could be done under the authorities that the POTWs or the states already had ...so we just told them that," he said. "Then there were a couple of facilities that didn't meet the compliance screening criteria, [and] that eventually left five projects that made it through."

EPA's solicitation was based on the premise that "[m]any POTWs have mastered the programmatic aspects of their pretreatment programs, and a number of these POTWs feel that their programs should be measured against environmental results rather than strict adherence to procedural and administrative requirements." Therefore, the goal of the Project XL pilots is to relax pretreatment program requirements for such facilities, enabling them to focus their resources on activities that could

provide greater environmental benefits.

The requests for regulatory flexibility contained in the pilot proposals generally reflect recommendations from streamlining the National Pretreatment Program presented to EPA by the Water Environment Federation (WEF; Alexandria, Va.) and the Association of Metropolitan Sewerage Agencies (AMSA; Washington, D.C.) following a 4-day workshop conducted by the two associations in 1996. The agency on June 22, 1999 (64 FR 39563) published its own streamlining proposal, which responds to and incorporates many of the WEF-AMSA recommendations.

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**--Richard Sustich  
Chicago MWRD**

### **The Projects**

The sponsors of the five project XL projects are

- City of Albuquerque (N.M.) Public Works Department (PWD);
- City of Denton, Texas;
- Louisville and Jefferson County (Ky.) Metropolitan Sewer District (MSD);
- Narragansett Bay Commission (NBC; Providence, R.I.); and
- Metropolitan Water Reclamation District (MWRD) of Greater Chicago, ILL.

**Albuquerque PWD.** The Albuquerque PWD will be allowed to reclassify 45 categorical industrial users (CIUs) with "excellent" or "very good" environmental records as nonsignificant categorical Industrial users (NSIUs), a new classification. Reduced monitoring and inspection requirements will apply to NISUs, freeing PWD staff to concentrate on pollution

prevention and other objectives. Under the project agreement, PWD also will be allowed to apply alternative definitions of *significant industrial user* (SIU) and *significant noncompliance* (SNC), reduce additional permitting and reporting requirements for selected industrial monitoring methods.

The most significant benefit of participating in Project XL for PWD will be the ability to "institutionalize" its existing pollution prevention program within the department's pretreatment program, says Robert Hogrefe, industrial pretreatment-pollution prevention manager in PWD's Wastewater Utility Division. The division has been committed to pollution prevention since the early 1990s, when it received a small grant from EPA to study waste minimization, he said. Project plans call for increasing the number of local businesses using pollution prevention techniques by 25 per year.

The regulatory flexibility provided by the project also will enable PWD staff to monitor collection system sub-basins to determine sources of noncategorical pollutants, such as mercury and other metals, Hogrefe noted. Sampling in the sub-basins will allow staff to identify concentrations of pollutants, as well as industrial contributors, that otherwise might go unnoticed, he said. The knowledge gained from such activities also will be used to guide development of pollution prevention programs and agreements with particular businesses, he said.

**Denton, Texas.** The project calls for reducing the frequency of monitoring and inspections at selected industrial facilities, which will free resources to concentrate on watershed protection activities and implement a plan to incorporate pollution prevention best management practices into local ordinances. As part of this process, the city will be able to continue implementing an ongoing project to integrate its pretreatment program activities with Phase II stormwater regulatory requirements.

### **Louisville and Jefferson County, Ky.**

The Louisville and Jefferson County project agreement allows MSD to apply alternative definitions of SIU and SNC and to allow selected industrial users not to sample for pollutants “not expected to be present.” In return, MSD plans to develop and implement a “holistic watershed approach” that will include implementing strategies for identifying and monitoring pollutant sources, as well as conducting pollution prevention outreach programs and integrating separate segments of the overall wastewater program.

**Narragansett Bay Commission.** In its project, NBC, which operates the waste-water collection and treatment system for the greater Providence, R.I., area, plans to reduce monitoring and inspection requirements for up to 10 local metal-finishing facilities with exemplary compliance records. Resources made available by this arrangement will be used to increase inspections, conduct pollution prevention audits, and provide technical assistance at facilities with poorer compliance records.

**Chicago MWRD.** The Chicago MWRD project plan calls for

- reduced self-reporting, monitoring, and inspection requirements for small CIUs with good compliance records;
- development of strategic performance partnerships with industry to identify alternative, more accurate, performance-based monitoring systems;
- development of Toxic Reduction Action Plans to identify noncategorical pollutants, such as mercury; and
- modifications to annual pretreatment program reporting requirements, including the addition of performance-based monitoring information.

According to EPA, these concessions should lead to greater incentives for facilities to reduce pollutants loadings, development of more accurate measures of environmental performance, and reductions in loadings of noncategorical pollutants of concern.

### **Room for More**

EPA on Oct. 6 (65 FR 59791) proposed regulations that would allow the five pretreatment pilots to go forward under final project agreements signed earlier with the agency. (At press time, publication of the final rule had been delayed by President George W. Bush’s temporary moratorium on publishing recently adopted federal regulations until they are reviewed by the new administration.) According to

Carbone, the proposal also would enable other POTWs to propose similar project within the program, but without the necessity of having EPA write a separate rulemaking authorizing each project once a final agreement is signed.

The potential long-term benefits of participating in Project XL’s pretreatment pilot program are substantial, according to Richard Sustich, assistant director of research and development for the Chicago MWRD. The regulatory flexibility afforded by the Chicago project likely “will increase over time as the elements are put into play and the industrial community sees the benefits to them of participating in some of these alternative programs,” he said. Also, he noted, developing ways to identify and control noncategorical pollutants, as the Chicago and Albuquerque projects propose, puts both POTWs and industry “ahead of the curve,” finding solutions to problems “before they become environmental problems ripe for regulation.”

Such projects also can serve to confirm or question the validity of untested regulatory proposals, according to Adele Cardenas, reinvention coordinator for EPA Region 6, a signatory to Albuquerque and Denton project agreements. “Doing demonstration projects is one of the best ways to show the agency whether [a proposed] rule is actually going to hit the mark,” she said.

POTW operators who fear that participating in Project CL could be too costly or drain resources should recognize that the program’s focus is on shifting, rather than spending, resources, said Brian Frazer, an environmental protection specialist in EPA’s Office of Wastewater Management. “The reason most of these [five] POTWs entered into [Project] XL is to reduce the amount of resources they’re spending on inspections and monitoring [in order] to go out and do something else, like stream monitoring,” he noted.

For more information, including details on the five pretreatment program projects, visit the Project XL Web site at <http://www.epa.gov/projectxl>.

**Jim Bushop, WE&T**